

Michigan Supreme Court
State Court Administrative Office
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John D. Ferry, Jr., State Court Administrator

M E M O R A N D U M

DATE: May 23, 2003

TO: Chief Judges
cc: Court Administrators

FROM: John D. Ferry, Jr.

SUBJ: Administrative Policy Memorandum 2003-05;
Plan for Appointment of Counsel for Indigent Parties Guidelines for
Preparation of Local Administrative Order; MCR 8.123 (Effective 01-01-2004)

MCR 8.123, effective January 1, 2004, requires each trial court to adopt a local administrative order that describes the court's procedures for selection, appointment, and compensation of counsel who represent indigent parties in that court. In addition, the rule identifies records which must be maintained by the court and made available to the public.

The following elements should be addressed in local administrative orders (LAOs) required by MCR 8.123:

1. Selection Criteria and Procedure:
 - How attorneys are selected.
 - Minimum standards/qualifications.
 - How performance is reviewed.
 - How attorneys can be removed from the list.
 - The position or unit responsible for administration of the appointed counsel program.
2. Appointment Process:
 - How attorneys are appointed to cases (describe the process).

3. Compensation Method(s):
How are the appointed attorneys compensated?¹
 - By case or case segment?
 - By time?
 - By contract?
4. Maintenance of Records:
The following records will be maintained by the court:
 - Number of appointments given to each attorney by the court.
 - Number of appointments given to each attorney by each judge of the court.
 - Total amount of public funds paid to each attorney by the court.
 - Total amount of public funds paid to each attorney for assignments by each judge of the court.

These records are maintained by the court pursuant to SCAO General Schedule 16.

The LAO should further state how and where the records will be made available to the public for inspection without charge.²

Local administrative orders should be submitted to your SCAO Regional Office by December 1, 2003.

¹ It is recommended that courts not include the rate(s) of compensation in the order. Compensation schedules may be maintained separately.

² A reasonable fee may be charged for providing copies.